

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
OF THE STATE OF UTAH.


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Provo Reservoir Company,	)	
Plaintiff,	)	
VS	(	No. 2888 Civil.
Provo City et al.	)	
Defendants,	)	SPECIAL REPORT OF COMMISSIONER.

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Hon. Martin M.Larson,  
Hon. Abe W.Turner,  
Judges Fourth District Court.  
Provo City, Utah.

Sirs: I submit herewith a report of observations and distribution of Provo River, relative to Application of Plaintiff for an Order of Direction to the Commissioner.

Very Respectfully  
  
T.F.Wentz  
Commissioner.

Dated at Provo City, Utah, August 22, 1935.

SPECIAL REPORT.

1. Since the 15th day of August, we are releasing from reservoirs 25 cfs of storage water, and passing 24 cfs together with 2.15 cfs tunnel water, by Midway Upper Dam, a total of 26.15 cfs. At this point and continueing for some distance this is the only water in the stream bed of Provo River.

2. At about 1.5 mile below Midway Upper Dam inflow from adjoining lands begins to appear. Continueing down the stream, to Midway Lower Dam, which is 3.5 miles below Midway Upper Dam, there is inflow of approximately 3 cfs, and coming in from Burcumshaw Springs on the West approximately 6 cfs.

3. The rights to the use of water of the Island Ditch, which diverts at Midway Lower Dam is 6 cfs and schedule of lands along river, Mitchel Ditch and others, is 3 cfs. On this schedule they are allowed to use water five daystwentyone hours out of fifteen days and eight hours, starting again August 22, at 10:00pm.

4. When this ditch is on, that is the rights along the section between Midway Dams ~~are~~ using the natural flow, there is passing Midway Lower Dam 15.1 cfs of storage and tunnel water.

5. This 15.1 cfs is carried thru Provo River to Olmstead Dam and Heiselt Dam without any deduction or charge for losses, and ~~there~~ is delivered to Provo Reservoir Canal 13.8 cfs, and to Utah Power & Light Company 1.3 cfs.

6. In order to determine the natural flow of river between Midway Dams, on August 7th, 6:00am, we cut off all storage and tunnel water at Midway Upper Dam, except 1.6 cfs thru dam; drop occured at ~~Mid~~ Midway Lower Dam five hours later; at 5:00pm there was total at Midway Lower Dam, including Island Ditch of 12.05 cfs; at 10:00pm 11.1 cfs; at midnight and to 4:00am August 8th (by recorder) 10.6 cfs.

The water was turned back over Midway Upper Dam at between 6 and 7pm August 7th, arriving at Midway Lower Dam ten hours later. That is, there is of natural flow in this section sufficient to supply the rights diverting, and that no storage or tunnel water is being intercepted or diverted in its passage over this section of river.

7. To further determine conditions between these dams on August 18th the following observations were made:

Water by Midway Upper Dam . . . . .	27.26 cfs
Water in River above Mill Dam, 1.5 mile below Midway Upper Dam . . . . .	16.86 cfs
Loss . . . . .	10.40 cfs

Between these two points of observation, there were no diversions and only a very small amount of noticable inflow from banks.

8. Immediately after flood water season, when we began the passing of storage and tunnel waters, this condition of loss was observed and reported to Plaintiff and the defendants Utah Power & Light Company and Provo City, and ever since this office has urged Plaintiff to repair this section of channel, citing provisions of paragraph -123- of the decree herein.

9. Plaintiff has requested that it be turned of the flowing waters in the Provo Division the same quantity of water as its storage water passing Midway Upper Dam, and this office has been delivering to Plaintiff all of the storage water passing Midway Lower Dam Station, and upon this, Plaintiff has made application to the Court for an Order of Direction to the Commissioner.

10. Agents of Plaintiff and defendant Provo City, have kindly cooperated with this office in the measurements of flow, and also in patrolling this section of the river.

So far as known, there is no dispute between parties on the foregoing facts.

11. This Commissioner has heretofore at all times administered and distributed the waters of Provo River to the best of his ability, and in accordance with his understanding of the decree herein.

And this Commissioner will at all times, follow the orders, rules and regulations the Court shall make and enter.

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2888  
IN DIST. COURT  
UTAH CO., UTAH  
\*FILED\*  
AUG 22 1935  
*Orville L. Hussey* Clerk  
Deputy